

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation)
Against:)**

JOHN FRANCIS PRUIT, M.D.)

Case No. 800-2015-014641

**Physician's and Surgeon's)
Certificate No. A 133032)**

Respondent)

DECISION

The attached Stipulated Surrender of License and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on SEPTEMBER 5, 2017,

IT IS SO ORDERED AUGUST 29, 2017.

MEDICAL BOARD OF CALIFORNIA

By:


**KIMBERLY KIRCHMEYER
EXECUTIVE DIRECTOR**

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 GIOVANNI F. MEJIA
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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12
13 In the Matter of the Accusation Against:

Case No. 800-2015-014641

14 **JOHN FRANCIS PRUIT, M.D.**

OAH No. 2017030051

15 1 Baylor Plaza
MS, BCM 120
16 Houston, TX 77030-3411

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

17 Physician's and Surgeon's Certificate
No. A 133032

18 Respondent.

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
24 of California (Board) and is represented in this matter by Xavier Becerra, Attorney General of the
25 State of California, by Giovanni F. Mejia, Deputy Attorney General.

26 2. John Francis Pruitt, M.D., (Respondent) is represented in this proceeding by attorney
27 Alisha A. Wood, Esq., of the Law Offices of Alisha A. Wood APLC, whose address is
28 701 Palomar Airport Road, Suite #300, Carlsbad, CA 92011.

1 3. On October 28, 2014, the Board issued Physician's and Surgeon's Certificate
2 No. A 133032 to Respondent John Francis Pruit, M.D. The Physician's and Surgeon's Certificate
3 was in full force and effect at all times relevant to the charges brought in Accusation No. 800-
4 2015-014641, and will expire on April 30, 2018, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2015-014641 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on December 13, 2016. Respondent filed a Notice of Defense
9 contesting the Accusation. A true and correct copy of Accusation No. 800-2015-014641 is
10 attached as exhibit A and incorporated by reference as if fully set forth herein.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, fully discussed with counsel, and fully understands the
13 charges and allegations in Accusation No. 800-2015-014641. Respondent has also carefully read,
14 and understands the effects of this Stipulated Surrender of License and Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation No. 800-2015-014641; the right to
17 confront and cross-examine the witnesses against him; the right to present evidence and to testify
18 on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses
19 and the production of documents; the right to reconsideration and court review of an adverse
20 decision; and all other rights accorded by the California Administrative Procedure Act and other
21 applicable laws.

22 7. Having the benefit of counsel, Respondent hereby voluntarily, knowingly and
23 intelligently waives and gives up each and every right set forth above.

24 **CULPABILITY**

25 8. Respondent does not contest that, at an administrative hearing, Complaint could
26 establish a prima facie case with respect to all of the charges and allegations in
27 Accusation No. 800-2015-014641, a true and correct copy of which is attached hereto as
28 exhibit A and incorporated by reference as if fully set forth herein. Respondent further admits

1 that he has thereby subjected his Physician's and Surgeon's Certificate No. A 133032 to
2 disciplinary action and hereby surrenders his Physician's and Surgeon's Certificate No. A 133032
3 for the Board's formal acceptance.

4 9. Respondent agrees that his Physician's and Surgeon's Certificate No. A 133032 is
5 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth
6 in the Disciplinary Order below.

7 10. Respondent agrees that if he ever petitions for reinstatement of his Physician's and
8 Surgeon's Certificate No. A 133032, or if an accusation or petition to revoke probation is ever
9 filed against him before the Medical Board of California, all of the charges and allegations
10 contained in Accusation No. 800-2015-014641 shall be deemed true, correct and fully admitted
11 by respondent for purposes of any such proceeding or any other licensing proceeding involving
12 Respondent in the State of California.

13 11. Respondent understands that, by signing this stipulation, he enables the Executive
14 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
15 Physician's and Surgeon's Certificate No. A 133032, without further notice to, or opportunity to
16 be heard by, Respondent.

17 CONTINGENCY

18 12. Business and Professions Code section 2224, subdivision (b), provides, in pertinent
19 part, that the Medical Board "shall delegate to its executive director the authority to adopt a . . .
20 stipulation for surrender of a license."

21 13. This Stipulated Surrender of License and Disciplinary Order shall be subject to
22 approval of the Executive Director on behalf of the Medical Board. The parties agree that this
23 Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive
24 Director for her consideration in the above-entitled matter and, further, that the Executive
25 Director shall have a reasonable period of time in which to consider and act on this Stipulated
26 Surrender of License and Disciplinary Order after receiving it. By signing this stipulation,
27 Respondent fully understands and agrees that he may not withdraw his agreement or seek to

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1 rescind this stipulation prior to the time the Executive Director, on behalf of the Medical Board,
2 considers and acts upon it.

3 14. The parties agree that this Stipulated Surrender of License and Disciplinary Order
4 shall be null and void and not binding upon the parties unless approved and adopted by the
5 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full
6 force and effect. Respondent fully understands and agrees that in deciding whether or not to
7 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive
8 Director and/or the Board may receive oral and written communications from its staff and/or the
9 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the
10 Executive Director, the Board, any member thereof, and/or any other person from future
11 participation in this or any other matter affecting or involving Respondent. In the event that the
12 Executive Director on behalf of the Board does not, in her discretion, approve and adopt this
13 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
14 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
15 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
16 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
17 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
18 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
19 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
20 of any matter or matters related hereto.

21 **ADDITIONAL PROVISIONS**

22 15. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
23 herein to be an integrated writing representing the complete, final and exclusive embodiment of
24 the agreements of the parties in the above-entitled matter.

25 16. The parties understand and agree that copies of this Stipulated Surrender of License
26 and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of
27 original documents and signatures and, further, that such copies shall have the same force and
28 effect as originals.

1 17. In consideration of the foregoing admissions and stipulations, the parties agree the
2 Executive Director of the Medical Board may, without further notice to or opportunity to be heard
3 by Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 133032,
6 issued to John Francis Pruitt, M.D., is surrendered and accepted by the Medical Board of
7 California.

8 1. The surrender of Respondent's Physician's and Surgeon's Certificate No. A 133032
9 and the acceptance of the surrendered license by the Board shall constitute the imposition of
10 discipline against Respondent. This stipulation constitutes a record of the discipline and shall
11 become a part of Respondent's license history with the Medical Board of California.

12 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
13 California as of the effective date of the Board's Decision and Order.

14 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
15 issued, his wall certificate on or before the effective date of the Decision and Order.

16 4. If Respondent ever files an application for licensure or a petition for reinstatement in
17 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
18 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
19 effect at the time the petition is filed, and all of the charges and allegations contained in
20 Accusation No. 800-2015-014641 shall be deemed to be true, correct and fully admitted by
21 Respondent when the Board determines whether to grant or deny the petition.

22 5. Pursuant to the provisions of Business and Professions Code section 2307,
23 subdivision (b), Respondent shall be permitted to file a petition for reinstatement of his
24 Physician's and Surgeon's Certificate No. A 133032 after a period of three (3) years has elapsed
25 from the effective date of this Decision and Order.

26 6. If Respondent should ever apply or reapply for a new license or certification, or
27 petition for reinstatement of a license, by any other health care licensing agency in the State of
28 California, all of the charges and allegations contained in Accusation No. 800-2015-014641 shall

1 be deemed to be true, correct, and fully admitted by Respondent for the purpose of any Statement
2 of Issues or any other proceeding seeking to deny or restrict licensure.

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1 ACCEPTANCE

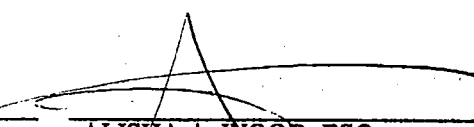
2 I have carefully read the Stipulated Surrender of License and Disciplinary Order and have
3 fully discussed it with my attorney Alisha A. Wood, Esq. I understand the stipulation and the
4 effect it will have on my Physician's and Surgeon's Certificate No. A 133032. I enter into this
5 Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently,
6 and agree to be bound by the Decision and Order of the Medical Board of California.

7
8 DATED: 8/7/17


9 JOHN FRANCIS PRUITT, M.D.
Respondent

10 I have read and fully discussed with Respondent John Francis Pruitt, M.D. the terms and
11 conditions and other matters contained in the above Stipulated Surrender and Disciplinary Order.
12 I approve its form and content.

13
14 DATED: 8/8/17


15 ALISHA A. WOOD, ESQ.
Attorney for Respondent

16
17 ENDORSEMENT

18 The foregoing Stipulated Surrender of License and Disciplinary Order is hereby
19 respectfully submitted for consideration by the Medical Board of California of the Department of
20 Consumer Affairs.

21 Dated: 8/8/17

Respectfully submitted,

22 XAVIER BECERRA
23 Attorney General of California
24 MATTHEW M. DAVIS
Supervising Deputy Attorney General


25 
26 GIOVANNI F. MEJIA
27 Deputy Attorney General
28 Attorneys for Complainant

Exhibit A

Accusation No. 800-2015-014641

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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 800-2015-014641

John Francis Pruitt, M.D.
1 Baylor Plaza
MS, BCM 120
HOUSTON, TX 77030-3411

ACCUSATION

Physician's and Surgeon's Certificate
No. A 133032,

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California.
2. On or about October 28, 2014, the Medical Board issued Physician's and Surgeon's Certificate No. A 133032 to John Francis Pruitt, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2018, unless renewed.

///

JURISDICTION

3. This Accusation is brought before the Medical Board of California, Department of Consumer Affairs (Board), under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

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1 5. Section 2234 of the Code, states:

2 “The board shall take action against any licensee who is charged with unprofessional
3 conduct. In addition to other provisions of this article, unprofessional conduct includes, but
4 is not limited to, the following:

5 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting
6 the violation of, or conspiring to violate any provision of this chapter.

7 “... .

8 “(f) Any action or conduct which would have warranted the denial of a certificate.

9 “....”

10 6. Unprofessional conduct under Business and Professions Code section 2234 is conduct
11 which breaches the rules or ethical conduct of the medical profession, or conduct which is
12 unbecoming to a member in good standing of the medical profession, and which demonstrated an
13 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
14 575.)

15 7. Section 2236 of the Code states:

16 “(a) The conviction of any offense substantially related to the qualifications,
17 functions, or duties of a physician and surgeon constitutes unprofessional conduct within
18 the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction
19 shall be conclusive evidence only of the fact that the conviction occurred.

20 “... .

21 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
22 deemed to be a conviction within the meaning of this section and Section 2236.1. The
23 record of conviction shall be conclusive evidence of the fact that the conviction occurred.”

24 8. Section 2239 of the Code states:

25 “(a) The use or prescribing for or administering to himself or herself, of any
26 controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or
27 of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to
28 the licensee, or to any other person or to the public, or to the extent that such use impairs the

1 ability of the licensee to practice medicine safely or more than one misdemeanor or any
2 felony involving the use, consumption, or self-administration of any of the substances
3 referred to in this section, or any combination thereof, constitutes unprofessional conduct.

4 The record of the conviction is conclusive evidence of such unprofessional conduct.

5 “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
6 deemed to be a conviction within the meaning of this section. The Medical Board may
7 order discipline of the licensee in accordance with Section 2227 or the Medical Board may
8 order the denial of the license when the time for appeal has elapsed or the judgment of
9 conviction has been affirmed on appeal or when an order granting probation is made
10 suspending imposition of sentence, irrespective of a subsequent order under the provisions
11 of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of
12 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing
13 the accusation, complaint, information, or indictment.”

14 9. Title 16, section 1360 of the California Code of Regulations states:

15 “For the purposes of denial, suspension or revocation of a license, certificate or permit
16 pursuant to Division 1.5 (commencing with Section 475) of the [Business and Professions
17 Code], a crime or act shall be considered to be substantially related to the qualifications,
18 functions or duties of a person holding a license, certificate or permit under the Medical
19 Practice Act if to a substantial degree it evidences present or potential unfitness of a person
20 holding a license, certificate or permit to perform the functions authorized by the license,
21 certificate or permit in a manner consistent with the public health, safety or welfare. Such
22 crimes or acts shall include but not be limited to the following: Violating or attempting to
23 violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to
24 violate any provision of the Medical Practice Act.”

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FIRST CAUSE FOR DISCIPLINE

(Use of Drugs or Alcoholic Beverages in a Manner, or to an Extent, as to be Dangerous to Himself, to Another Person, or to the Public)

10. Respondent has subjected his Physician's and Surgeon's Certificate No. A 133032 to disciplinary action under sections 2227 and 2234, as defined by section 2239, subdivision (a), of the Code, in that he used or prescribed, or administered to himself, drugs or alcoholic beverages to the extent, or in such manner, as to be dangerous or injurious to him, to another person, or to the public. The circumstances are as follows:

11. On or about June 14, 2015, an officer (Officer) of the Coronado Police Department (CPD) was dispatched to the area around 1700 Glorietta Plaza in Coronado, California in response to information regarding a gold Chevy Suburban with a Texas license plate moving erratically in the area. After arriving, Officer observed a vehicle similar to the description and followed it.

12. Officer observed the vehicle turn eastbound onto 4th Street in Coronado, California into the number one (1) lane. In or around the 1300 block of 4th Street, Officer observed the vehicle swerve to the right quickly and violently about three-quarters (3/4) of the way into the number two (2) lane. Officer then observed the vehicle travel back into the number one (1) lane and then swerve quickly and violently to the left, crossing about half way into the left shoulder of the road. Officer did not observe any reason for these maneuvers and conducted a traffic enforcement stop by activating his emergency lights.

13. After the vehicle stopped, Officer approached the vehicle and contacted the driver, who was identified by his Texas driver's license as Respondent. Officer asked Respondent if he knew why he was being stopped, and Respondent replied, "Speeding." Officer told Respondent why he had been stopped and asked him if there was any reason for his swerving. Respondent replied, "No."

14. During the conversation with Respondent, Officer detected an odor of an alcoholic beverage emitting from Respondent's vehicle and observed objective signs of intoxication including a red and flushed face, and red, bloodshot, glassy and watery eyes. Officer asked

1 Respondent how much he had to drink and Respondent stated that he had not had anything to
2 drink. As Respondent replied, Officer observed that Respondent's mouth was dry and that his
3 speech was slow.

4 15. Officer explained his objective observations of intoxication to Respondent and again
5 asked him how much he had to drink. Respondent again responded that he had not had anything
6 to drink.

7 16. Officer told Respondent to exit his vehicle. Respondent complied, but he was very
8 slow in exiting his vehicle and he used his vehicle to maintain his balance. Officer told
9 Respondent to walk back towards Officer's vehicle. Respondent complied, but his gait was very
10 unsteady and his steps were exaggerated. Respondent reached Officer's vehicle and leaned
11 against it to maintain his balance. With Respondent out of his vehicle, Officer smelled an odor of
12 an alcoholic beverage emitting from Respondent's breath and person.

13 17. Officer had Respondent perform standard field sobriety tests (SFSTs) in a well lit area
14 and on flat ground, and asked Respondent if he would submit to a preliminary alcohol screening
15 (PAS) test. Respondent replied, "No, I can't do that." Officer read Respondent the PAS test
16 admonition and asked him again if he would submit to a PAS test. Respondent replied, "No."

17 18. Based on Respondent's observed driving, objective signs of intoxication and
18 performance on the SFSTs, Officer believed Respondent was intoxicated and unable to safely
19 operate a motor vehicle, and Officer arrested him. Officer asked Respondent if he would submit
20 to a chemical blood or breath test and Respondent stated he would submit to a blood test.

21 19. Officer transported Respondent to the CPD station, during which time Respondent
22 verbally harangued Officer multiple times, stated that he (Respondent) is a doctor, and directed an
23 expletive at Officer.

24 20. A phlebotomist arrived at the CPD station at or around 12:43 a.m. on June 15, 2015.
25 Respondent asked why a phlebotomist had arrived and Officer indicated that he (Respondent) had
26 chosen to do a blood test, and the phlebotomist was there to draw Respondent's blood.
27 Respondent stated that he has atrial fibrillation and is a hemophiliac and that he could have a heart
28 attack and die if his blood was drawn. Officer asked Respondent if he was going to submit to a

1 blood test and Respondent replied, "No, I can't do that test." Officer asked if he could submit to a
2 breath test and Respondent replied that he could not because he has asthma.

3 21. Officer read Respondent the chemical test refusal admonition and asked him again if
4 he would submit to a blood or breath test. Respondent replied that he would not.

5 22. Officer sought and obtained a search warrant to compel the drawing of Respondent's
6 blood. Blood was drawn from Respondent at approximately 2:35 a.m. on June 15, 2015,
7 approximately two (2) hours and 22 minutes after he was taken into custody. The blood test later
8 yielded a blood alcohol concentration (BAC) of .18 percent.

9 23. On or about February 16, 2016, in the case entitled *People of the State of California v.*
10 *John Francis Pruit*, Superior Court of California, County of San Diego, Case No. S280579,
11 Respondent was convicted, upon his plea of guilty, to one count of violating California Vehicle
12 Code section 23152(b) (driving a motor vehicle with .08% or more, by weight, of alcohol in his
13 blood).

14 24. As a result of this conviction, Respondent was sentenced to summary probation for
15 five (5) years. The probation terms and conditions included payment of \$2,133 fine, enrollment
16 in and completion of a three (3) month first conviction program, attendance and completion of a
17 Mothers Against Drunk Driving (MADD) Program, and submission to any test at the request of a
18 peace officer for detection of alcohol in blood.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Conviction of a Crime Substantially Related to the Qualifications,**

21 **Functions, or Duties of a Physician and Surgeon)**

22 25. Respondent has further subjected his Physician's and Surgeon's Certificate
23 No. A 133032 to disciplinary action under sections 2227 and 2234, as defined by section 2236, of
24 the Code, and title 16, section 1360 of the California Code of Regulations, in that he has been
25 convicted of a crime substantially related to the qualifications, functions or duties of a physician
26 and surgeon as more particularly alleged in paragraphs 10 to 24, above, which are hereby
27 incorporated by reference and realleged as if fully set forth herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(General Unprofessional Conduct)**

3 26. Respondent has further subjected his Physician's and Surgeon's Certificate
4 No. A 133032 to disciplinary action under sections 2227 and 2234 in that he has engaged in
5 conduct that breaches the rules or ethical code of the medical profession, or conduct which is
6 unbecoming to a member in good standing of the medical profession, and which demonstrates an
7 unfitness to practice medicine, as more particularly alleged in paragraphs 10 to 24, above, which
8 are hereby incorporated by reference and realleged as if fully set forth herein.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Medical Board of California issue a decision:

- 12 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 133032, issued
13 to Respondent John Francis Pruitt, M.D.;
- 14 2. Revoking, suspending or denying approval of Respondent John Francis Pruitt, M.D.'s
15 authority to supervise physician assistants, pursuant to section 3527 of the Code;
- 16 3. Ordering Respondent John Francis Pruitt, M.D., if placed on probation, to pay the
17 Board the costs of probation monitoring; and
- 18 4. Taking such other and further action as deemed necessary and proper.

19
20 DATED: December 13, 2016


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
State of California
Complainant